

REMARKS

Applicant has carefully considered the Office Action of June 15, 2005 and offers the following remarks to accompany the above amendments. Applicant further appreciates the telephonic interview of August 9, 2005. Applicant notes that an Interview Summary was mailed on August 11, 2005 that summarizes much of the discussion of this telephonic interview. However, to the extent necessary, the remarks below provide the substance of the Interview as required by the MPEP.

Applicant herein amends claims 1, 16, 24, 26, 35, 42, and 47 to recite that the communications function is set up outside the virtual reality environment and the communication function is not routed through the virtual reality environment. Support for this amendment can be found in at least Figures 2A and 2B and the supporting text thereto.

Claims 1-9, 15-18, 22-24, 42-49, and 51 were rejected under 35 U.S.C. § 102(e) as being anticipated by McNerney et al. (hereinafter "McNerney"). Applicant respectfully traverses. For the Patent Office to establish anticipation, the Patent Office must show where each and every element of the claim is shown in the reference. Further, the elements of the reference must be arranged as claimed. MPEP § 2131.

As amended, the independent claims clarify that the communication function, while initiated in the virtual reality environment is not routed through the virtual reality environment, nor does the virtual reality environment monitor the communication function once the communication function is established. As discussed with the Examiner in the telephonic interview, and confirmed in the Interview Summary mailed August 11, 2005, Applicant and the Examiner believe that this amendment overcomes the McNerney reference. Applicant requests withdrawal of the § 102(e) rejection of claims 1-9, 15-18, 22-24, 42-49, and 51 at this time.

Claims 10-14, 19-21, 50, 52, and 53 were rejected under 35 U.S.C. § 103 as being unpatentable over McNerney in view of Swartz. Applicant respectfully traverses. For the Patent Office to establish *prima facie* obviousness, the Patent Office must show where each and every claim element is located in the combination of references. MPEP § 2143.03.

Applicant traverses the rejection because the combination does not show the amended elements of the independent claims. As discussed above, McNerney does not teach or suggest the claim element. Applicant has studied Swartz and finds nothing in Swartz to cure the deficiencies of McNerney. Since the references individually do not teach or suggest the claim

element, the combination of references cannot teach or suggest the claim element. Since the combination does not teach or suggest a claim element, the combination does not establish obviousness. Applicant requests withdrawal of the § 103 rejection on this basis as well.

Claims 26-30, 35, and 39-41 were rejected under 35 U.S.C. § 103 as being unpatentable over McNerney in view of Krishnaswamy et al. (hereinafter "Krisnaswamy"). Applicant respectfully traverses. The standards for establishing obviousness are set forth above.

Applicant traverses the rejection because the combination does not show the amended elements of the independent claims. As discussed above, McNerney does not teach or suggest the claim element. Applicant has studied Krisnaswamy and finds nothing therein to cure the deficiencies of McNerney. Since the references individually do not teach or suggest the claim element, the combination of references cannot teach or suggest the claim element. Since the combination does not teach or suggest a claim element, the combination does not establish obviousness. Applicant requests withdrawal of the § 103 rejection on this basis as well.

Claims 31-34, 36, and 37 were rejected under 35 U.S.C. § 103 as being unpatentable over McNerney and Krisnaswamy and further in view of Swartz. Applicant respectfully traverses. The standards for establishing obviousness are set forth above.

Applicant traverses the rejection because the combination does not show the amended elements of the independent claims. As discussed above, McNerney does not teach or suggest the claim element. Applicant has studied Swartz and Krisnaswamy and finds nothing in either reference that cures the deficiencies of McNerney. Since the references individually do not teach or suggest the claim element, the combination of references cannot teach or suggest the claim element. Since the combination does not teach or suggest a claim element, the combination does not establish obviousness. Applicant requests withdrawal of the § 103 rejection on this basis as well.

Applicant requests reconsideration of the rejections in light of the amendments and remarks provided herein. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

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